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NOTICE OF ALLOWANCE AND FEE(S) DUE

22470

7590

01/08/2010

HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY, CA 94019

EXAMINER

BOSWELL, BETH V

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 01/08/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/760,377

01/12/2001

Robert E. Dvorak

BLFR 1003-1

1255

TITLE OF INVENTION: MULTIPURPOSE CAUSAL EVENT CALENDAR FOR INTEGRATED MANAGEMENT DECISION SUPPORT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$0	\$0	\$755	04/08/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

22470 7590 01/08/2010

**HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY, CA 94019**

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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nonprovisional	YES	\$755	\$0	\$0	\$755	04/08/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
BOSWELL, BETH V	3623	705-010000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/A/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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BOSWELL, BETH V				
HAYNES BEFFEL & WOLFELD LLP P O BOX 366 HALF MOON BAY, CA 94019			ART UNIT	PAPER NUMBER

3623

DATE MAILED: 01/08/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 506 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 506 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/760,377

Applicant(s)

DVORAK ET AL.

Examiner

Beth V. Boswell

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to correspondence received 08/26/2009.
2. ☒ The allowed claim(s) is/are 101-106.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Beth V. Boswell/
Supervisory Patent Examiner, Art Unit 3623

DETAILED ACTION

1 The following is a response to the communications received 08/26/2009. Claims 2-15, 20-34, 39-53, and 96-100 have been canceled. Claims 101-106 have been added. Claims 101-106 are pending and allowable. The following response includes an Examiner's statement of reasons for allowance.

Reasons for Allowance

2. Claims 101-106 are allowed.
3. The following is an examiner's statement of reasons for allowance:

None of the prior art of record, taken individually or in any combination, teach, inter alia, creating at least one store hierarchy and at least one goods hierarchy, each containing selectable nodes, allowing selections via an interface and receiving selections of a goods node or a stores node that represents a grouping of goods or stores from the goods and stores hierarchy, respectively, as well as a selection of an event type identifier, using the selections to create a tuple in a causal calendar wherein selection of nodes cause population of at least one event tuple to occurs for all goods or stores in the nodes, and using the created tuples to forecast demand.

The prior art references most closely resembling the Applicant's claimed invention are Adhikari et al. (US 7,222,082), Johnson et al. (*Collaboration Data Modeling: CPFR Implementation Guidelines*), Huang (US 6,151,582), Silva-Risso (*A Decision Support System for Planning Manufacturers' Sales Promotion Calendars*), Landvater (US 6,609,101), Technology Strategy, Inc. (screenshots of www.grossprofit.com; "Merchants Try Complex Math Tools to Improve Inventory Decisions" by Koloszy; "Looking Back to Fashion's Future" by Ackerman).

First, Adhikari et al. teaches forecaster program that uses hierarchical data, calculation engines, and an event calendar. Adhikari et al. discloses that events are something that occur and affect the operations of a business, such as a sale or holiday, and that these events are defined within an event calendar. Included in the definition are date and time period. The events are used to forecast demand and sales volume. Adhikari et al. further discloses storing a hierarchical business structure that corresponds to the forecaster and its hierarchical levels, the hierarchical levels of the business structure includes storing data at levels such as corporation level, region, district, store, department, etc. However, Adhikari et al. is more concerned with workforce planning and does not expressly disclose product nodes that are created and selectable and that the product nodes are used to create tuples in a causal calendar that are then used to forecast demand.

Johnson et al. discloses a collaborative program for demand forecasting for products, including promotion planning. Planners input profiles for products for forecasting purposes, such as seasonal profiles, as well as plan at a product category level. Johnson et al. further discloses multi-way hierarchies for a retail chain, including categorizing stores using nodes by sales region or distribution center. However, while Johnson et al. discloses product categories, Johnson et al. does not specifically discuss product hierarchies with product nodes nodes that are created and selectable and that the product nodes are used to create tuples in a causal calendar that are then used to forecast demand.

Huang et al. is concerned with the impact of promotions on sales at stores. Huang et al. discloses using a promotional calendar that considers type of promotion, promotion dates (scheduled dates, sell out by dates), and the impact of the promotion. Promotions are disclosed as price promotions, advertising promotions, or promotions of substitute or complementary products. Huang further discloses seasonal events and special events in a city that increase customer traffic and thus usage and demand for an item. An analysis of the impact of an event is analyzed. Huang et al. further discusses bottom up planning that considers on-hand inventory, inventory scheduling, and replenishment, top down planning that aggregates items at levels higher than individual items, and consideration of budget concerns. However, Huang et al. does not expressly disclose creating at least one store hierarchy and at least one goods hierarchy, each containing selectable nodes or allowing selections of and receiving selections of a goods node or a stores node from the goods and stores hierarchy that represents a grouping of goods or stores, respectively, as well as a selection of an event type identifier.

Silva-Risso discloses sales promotion planning and promotion calendars and further discloses store identifiers and causal calendars showing both promotion and non-promotion events. Silva-Risso discloses a graph that shows by week when promotions are at 0% (not happening) and varying percentages from there. Further, the reference discusses retailers, which are stores selling goods to consumers. However, Silver-Risso does not expressly disclose creating at least one store hierarchy and at least one goods hierarchy, each containing selectable nodes or allowing selections of and receiving selections of a goods node or a stores node from

the goods and stores hierarchy that represents a grouping of goods or stores, respectively, as well as a selection of an event type identifier.

Landvater teaches using a calendar with a forecasting program to determine stock and replenishment needs based on events for each of the retail locations. The underlying schedule of events that influences planning includes promotions, shelf changes, etc. The system analyzes and provides reports on financials and inventory budget, as well as bottom-up planning by providing sales, inventory, and receipt information on a daily or weekly basis. However, Landvater does not expressly disclose creating at least one store hierarchy and at least one goods hierarchy, each containing selectable nodes or allowing selections of and receiving selections of a goods node or a stores node from the goods and stores hierarchy that represents a grouping of goods or stores, respectively, as well as a selection of an event type identifier.

Technology Strategy, Inc. discloses a planning system that supports promotion decision making by applying forecasting techniques. A schedule associated with specific dates is used to perform forecasting. Factors such as the identified good, a location of the good, selling period between a start and stop date, and the type are considered in forecasting. A markdown schedule is further generated to maximize sales while considering current inventory and causal factors. However, Technology Strategy, Inc., does not expressly disclose creating at least one store hierarchy and at least one goods hierarchy, each containing selectable nodes, allowing selections of and receiving selections of a goods node or a stores node from the goods and stores hierarchy

that represents a grouping of goods or stores, respectively, or using the selections to create a tuple in a causal calendar that is used to forecast demand.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement for Reasons for Allowance".

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adhikari et al. (US 7,222,082) teaches a forecaster that utilizes forecasting hierarchical levels and business structure hierarchical levels, including region, department, etc.

Baty (*Intershop: A Distributed Architecture for Electronic Shopping*) discloses department/product hierarchies for electronic shopping.

Johnson et al. (*Collaboration Data Modeling: CPFR Implementation Guidelines*) teaches multi-way hierarchies for a retail chain, including categorizing stores using nodes by sales region or distribution center, as well as product categories.

Any inquiry concerning this communication should be directed to Beth V. Boswell at telephone number (571)272-6737.

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623

